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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KE'MON CHAPMAN, on behalf of himself and
others similarly situated,

Plaintiff,

-against-

CITY WINERY NY _ PIER 57, LLC,
Defendant.

23-CV-02778 (MMG)

**DECLARATION OF JONATHAN
PAUL RE NOTICE PROCEDURES**

1 I, Jonathan Paul, declare as follows:

2 1. I am the CEO at Xpand Legal (“Xpand”), a class action settlement administrator that
3 has been retained by the parties to serve as the Settlement Administrator for the settlement in the
4 above referenced action. Xpand is located in Irvine, California. I am over 21 years of age and am
5 not a party to this action. I am responsible for supervising the settlement services provided by Xpand
6 for this matter. The facts set forth herein are true of my own personal knowledge and I am informed
7 and believe them to be true. If called as a witness, I could and would competently testify thereto.

8 I. EXPERIENCE

9 2. Xpand specializes in class action notification and claims administration, including
10 telephone support and web-based support, direct mail services, claims processing, and settlement
11 fund distribution. Xpand has extensive experience in class action matters, having provided services
12 in class actions ranging in size from 17 to 350,000 Class Members.

13 Attached hereto as **Exhibit A** is a true and correct copy of Xpand’s CV, reflecting our primary
14 competencies as they relate to class action settlement administration.

15 II. OVERVIEW OF XPAND LEGAL’S RESPONSIBILITIES

16 3. Xpand’s responsibilities in administering the settlement in this action to date have
17 included the following: (a) Establishing a settlement Qualified Settlement Fund (“QSF”); (b)
18 Mailing the Settlement Class Notice to Class Members; (c) Securing a post office box to which Class
19 Members can send Requests for Exclusions, Objections and other communications; (d) Establishing
20 a toll-free telephone number which provides Class Members with information about the proposed
21 Settlement; and (e) calculating distribution amounts to Class Members in accordance with the
22 Agreement.

23 III. CLASS NOTICE

24 4. In accordance with the Settlement Agreement, one of Xpand’s primary
25 responsibilities was to cause the Class Notice to be mailed to all known Class Members by first-
26 class mail. On November 20, 2024, Xpand received from Defense Counsel a file containing 371
27 records, which contained the names, addresses, hire and termination dates, and SSNs for known
28 Class Members. As part of the preparation for mailing, Xpand ran all 371 records with a mailing

1 address through the National Change of Address database (NCOA) and received updated addresses
2 for 42 records. The addresses for all 42 records were updated prior to mailing. On December 4, 2024,
3 Xpand mailed a Class Notice to all 371 Class Members. A true and correct copy of the mailed Class
4 Notice is attached hereto as **Exhibit B**. As of February 12, 2025, 66 Notices had been returned as
5 undeliverable without a forwarding address. These records were sent out for skip-tracing, and
6 updated addresses were received for 51 records.

7 **IV. CLAIMANT COMMUNICATION**

8 5. Xpand established Post Office Box 51570, Irvine, CA 92619 to receive written
9 communication from Class Members, including correspondence, requests for exclusion or copies of
10 written objections.

11 6. As of February 12, 2025, Xpand had received zero timely requests for exclusion.

12 7. As of February 12, 2025, Xpand had received zero objections to the settlement.

13 8. The deadline for requesting exclusions and submit objections was January 31, 2025.

14 **V. TELEPHONE SUPPORT**

15 9. Xpand established a toll-free number to allow Settlement Class Members to call
16 our agents and answer any questions or request more information

17 10. On December 4, 2024, Xpand activated a toll-free number, 888-557-773, which
18 allows Class Members to receive information and provide answers about the settlement, and
19 allows Class Members to request a Class Notice.

20 11. As of February 12, 2025, Xpand has received one phone call.

21 **VI. SETTLEMENT ADMINISTRATION COSTS**

22 12. On December 13, 2024, Xpand assisted Defendants in preparing, printing and
23 mailing notice in compliance with the Class Action Fairness Act (CAFA), 28 U.S.C. § 1715 *et*
24 *seq.*, via USPS Certified mail. A sample of the CAFA notice is attached hereto, as **Exhibit C**.

25 13. The total cost for administering this settlement, including expenses for preparing
26 and sending out the CAFA notices, fees incurred and future costs, is estimated to be \$9,500.00.

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1 I declare under penalty of perjury under the laws of the state of California that the foregoing
2 is true and correct.

3
4 Dated: February 12, 2025

5
6 
7 _____
8 Jonathan Paul